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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,496	09/12/2003	Chris Mako	117442-00101	5671

27557 7590 10/28/2004

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EXAMINER	
PAYNE, SHARON E	
ART UNIT	PAPER NUMBER
2875	

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/660,496	MAKO ET AL.	
	Examiner	Art Unit	
	Sharon E. Payne	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *0104*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 14 January 2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because one of the patent numbers is incorrect. (See the entry with a line through it.) It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1). (The other entries were considered, but the one with the incorrect number was not.)

Claim Objections

2. Claims 1-8 are objected to because of the following informality: the comma in line 3 of claim 1 should be removed.

3. Claims 3-5 are objected to because of the following informalities: the word "comprise" in line 2 of claim 3 should be "comprises"; and 2) the word "in" in line 2 of claim 4 should be "is."

4. Claims 2 and 5-8 are necessarily included due to their dependency. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1 and 3-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gyori (U.S. Patent 6,709,142) in view of Valdes (U.S. Patent 6,739,745).

Regarding claim 1, Gyori discloses an illumination strip with a top side having a reflective surface (Fig. 4, reference number 72) and a plurality of holes therein (Fig. 8), an electrical circuit (Fig. 9) and a light source (reference numbers 24 and 94) electrically connected to the electrical circuit (Fig. 3) and placed within the illumination strip (Fig. 8), the light source emitting light through the holes of the illumination strip (Fig. 8). Gyori does not disclose an electrical circuit having two ends with connectors. (The top side of

Gyori is a reflective surface, because cloth and other materials out of which gloves are made reflect light even if they reflect light diffusely.)

Valdes discloses an electrical circuit (Fig. 5) having a first end (reference number 40) and a second end (reference number 60), the first and second ends having corresponding connectors that are adapted to connect to another illumination strip (Figs. 1 and 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the connectors and electrical circuit of Valdes in the apparatus of Gyori to enable one to connect two electrical circuits together to make a lighted design on clothing.

Concerning claim 3, Gyori discloses the light source comprising a single light source connected to a plurality of fiber optic cables which transfer the light from the light source to the holes in the top side of the illumination strip (Figs. 7 and 8).

Regarding claim 4, Gyori discloses a light emitting diode (reference number 94).

Concerning claim 5, Gyori discloses the light source being programmable to blink in a predetermined sequence (Fig. 9, IC circuit).

Regarding claim 6, Gyori does not disclose male and female connectors. Valdes discloses the connectors as one of a corresponding male and female receptacle which are configured to mate with each other (Fig. 2, reference numbers 40 and 60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the connectors of Valdes in the apparatus of Gyori to enable one to make a lighted display by connecting several circuits.

Concerning claim 7, Gyori discloses the illumination strip including a bottom side having an attachment surface adapted to secure the illumination strip to an article, the attachment surface being an adhesive (column 5, lines 28-32).

Regarding claim 8, Gyori discloses the illumination strip being bendable so that it may be formed into various shapes (Fig. 8). (Gloves have to be bendable to work.)

Concerning claim 9, Gyori discloses a plurality of illumination strips (each finger, Fig. 8), each strip having a first illumination side with a plurality of holes therein (abstract, Fig. 8) and a second non-illuminating side (column 5, lines 28-32) an electrical circuit (Fig. 9), and a light source within the illumination strip emitting a light through the holes (Fig. 8, reference number 28). Gyori does not disclose the combination of male and female connectors that connect to form a longer strip.

Valdes discloses an electrical circuit within the illumination strip extending between a first end (reference number 40, Fig. 2) and a second end (reference number 60, Fig. 2), the first end and second end having a male plug and female receptacle respectively (Fig. 2), wherein the plurality of illumination strips are electrically and physically connected to one another by mating the male plug of a first illumination strip to the female receptacle of a second adjacent illumination strip (Figs. 1 and 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the connectors of Valdes in the apparatus of Gyori to make a lighted design by connecting several circuits.

Regarding claim 10, Gyori discloses a power source attached to the female receptacle (reference number 62) on a first illumination strip (Fig. 3, column 5 in lines

18-23), the power source providing the electrical power to the light source in each illumination strip (column 5, lines 18-23).

Concerning claim 11, Gyori discloses each illumination strip comprising a plurality of fiber optic cables attached to the light source (Fig. 3), the fiber optic cables transferring the light emitted from the light source to the holes in the illumination strip (Figs. 3 and 8).

Regarding claim 12, Gyori discloses the non-illuminating side including a fastening surface which secures the illuminating strip to an article (column 5, lines 28-32).

Concerning claim 13, Gyori discloses the light source being programmable to blink in a predetermined sequence (Fig. 9, IC circuit).

Regarding claim 14, Gyori discloses each illumination strip as bendable so that it may be formed into various shapes (Fig. 8). (Gloves must be flexible to work.)

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gyori in view of Valdes as applied to claim 1 above, and further in view of Terry (U.S. Patent 4,216,464).

Regarding claim 2, Gyori does not disclose a light source wired in parallel. Terry discloses the light source being connected to the electrical circuit in parallel so that if the light source fails, the electrical circuit will continue to provide energy between the first and second ends (Fig. 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Terry in the apparatus of Gyori to enable other light sources to work if one light source fails.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sep

Sharon Payne
Patent Examiner
Technology Center 2800